

From: Anne Berube/DC/USEPA/US
Sent: 1/9/2012 2:07:25 PM
To: Karin Leff/DC/USEPA/US@EPA; Deniz Ergener/DC/USEPA/US@EPA
CC: Tim Sullivan/DC/USEPA/US@EPA; James Kenney/DC/USEPA/US@EPA
Subject: Fw: Dimock104(e) letter - my call w/ Cabot's atty

Anne D. Berube
Attorney Advisor
US EPA, Office of Site Remediation Enforcement
202-564-4795

This email may contain material that is confidential, privileged and/or attorney work product and is for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

----- Forwarded by Anne Berube/DC/USEPA/US on 01/09/2012 02:07 PM -----

From: Cecil Rodrigues/R3/USEPA/US
To: Marcia Mulkey/R3/USEPA/US, Mary Coe/R3/USEPA/US, Andrew Stewart/DC/USEPA/US, Anne Berube/DC/USEPA/US
Date: 01/09/2012 01:50 PM
Subject: Fw: Dimock104(e) letter - my call w/ Cabot's atty

Cecil Rodrigues

----- Original Message -----

From: Humane Zia

Sent: 01/09/2012 11:25 AM EST

To: Cecil Rodrigues; Dennis Carney; Ron Borsellino; Karen Johnson; Karen Melvin

Subject: Dimock104(e) letter - my call w/ Cabot's atty

THIS MEMO MAY CONTAIN PRIVILEGED ATTORNEY-CLIENT COMMUNICATIONS

I returned a call to Cabot's counsel (Ken Komoroski and Amy Barrett) this a.m. regarding the 104(e).

The essence was that they have already begun gathering responsive info, but stated that they will be physically unable to provide all laboratory QA info for the hundreds of samples taken over the years, w/in the 7 day deadline (we asked for all sampling data, including pre-drilling data which goes back to 2006). I asked what of the requested info they can provide by the deadline, and stated that they will need to justify why certain info can't be provided w/in the deadline. They asked whether we would narrow the scope of info sought. They emphasized that they are making every effort to provide the info and to fully cooperate.

They are overnighting to me and to Rich Fetzer the QA information underlying the Aug. & Sept. 2011 URS reports. Of note: Cabot's counsel stated that some of the organics identified in those URS reports are from samples URS took of the bottled Dasani water that the residents were drinking, and from an artesian well outside the drilling area. I expressed our concern about data gaps, and emphasized our need for the data.

They asked if there was any information I could provide them as an update of the situation in Dimock; they were under the impression that we were providing water, based on press they read on Friday. I stated that we are still evaluating the information and had not provided water or made a final decision at this time.

They expressed Cabot's desire for information before it hits the press, and added that Cabot is not making press statements outside of what they hear or learn from EPA.

Any questions, let me know. -Humane

Humane L. Zia
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency - Region III
Office of Regional Counsel
1650 Arch Street (3RC41)
Philadelphia, PA 19063-2029
215.814.3454 / 215.814.2603 fax